

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

UNITED STATES OF AMERICA

VS.

NICKLOAS RUSHING

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No. 9:02-CR-15

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The court heretofore ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence.

At the close of the revocation hearing, defendant, defense counsel and counsel for the government, each signed a standard form waiving their right to object to the proposed findings and recommendations contained in the magistrate judge's report, consenting to revocation of supervised release and imposition of the sentence recommended therein, and waived their right to be present with counsel and to speak at sentencing.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED and **ADJUDGED** that the petition is **GRANTED** and defendant's supervised release is **REVOKE**D. Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this **22** day of **November, 2008**.



Ron Clark, United States District Judge